

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

BARBARA STUART ROBINSON,

Plaintiff,

V.

CITY OF SEATTLE,

Defendant.

CASE NO. 2:24-cv-01004-RSL

## ORDER OF DISMISSAL

On July 10, 2024, plaintiff's application to proceed *in forma pauperis* was granted and her complaint was accepted for filing. Plaintiff alleges that she placed a 911 call to the Seattle Police Department on June 30, 2024, regarding a public nuisance at the intersection of 3<sup>rd</sup> Avenue and Pike Street in downtown Seattle. Despite being told that someone would respond, no officers arrived, rendering passage through the intersection dangerous and causing plaintiff harm. Plaintiff asserts that the City of Seattle failed to carry out duties owed under state law and seeks to hold it liable under 42 U.S.C. § 1983.

Title 42 U.S.C. § 1983 provides a cause of action for the “deprivation of any rights, privileges, or immunities secured by the Constitution and laws” of the United States. To state a claim under § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of State law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

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2 *Long v. Cnty. of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006). When the Court  
3 pointed out that plaintiff had alleged violations of state, not federal, law, plaintiff filed an  
4 amended complaint asserting “[a] Right Secured by the Constitution or laws of the United  
5 States was violated” and that jurisdiction is proper under § 1983.  
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7 The amendment does not cure the deficiency identified by the Court. A vague  
8 reference to rights afforded by federal law is insufficient to put the City on notice of what  
9 it is alleged to have done wrong. There are no facts that could support a claim that plaintiff  
10 was denied due process, that she was deprived of life, liberty, or property, that she was  
11 discriminated against, that her rights to free speech, freedom of religion, or freedom from  
12 search/seizure were violated, or that any other federal right is at issue. The facts alleged  
13 still suggest only a violation of state laws and duties related to oaths of office and public  
14 nuisance. Plaintiff has simply recited the bare elements of a § 1983 claim without any facts  
15 suggesting that she has a plausible right to relief under that statute.  
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19 For all of the foregoing reasons, the above-captioned matter is DISMISSED for lack  
20 of jurisdiction.  
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22 Dated this 15th day of July, 2024.

23   
24 Robert S. Lasnik  
25 United States District Judge  
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